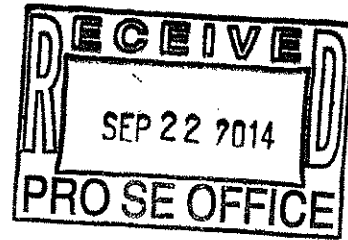


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAVIEN SALES



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION**

COLLERAN OHARA & MILLS, LLP

Jury Trial: ☒ Yes ☐ No

(check one)

DENNIS ENGEL

STEVEN FARKAS

*John Doe*

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the space  
provided, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of names.  
Typically, the company or organization named in your charge  
to the Equal Employment Opportunity Commission should be  
named as a defendant. Addresses should not be included here.)

14 CV 7677

This action is brought for discrimination in employment pursuant to: (check only those that apply)



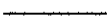
Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.



New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).



New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name LaVien Sales  
 Street Address PO BOX 1179  
 County, City New York  
 State & Zip Code New York 10027  
 Telephone Number 646 323-4579

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name COLLERAN OHARA & MILLS, LLP STEVEN FARKAS & DENIS ENGEL  
 Street Address 1225 Franklin Avenue, suite 450  
 County, City Garden City  
 State & Zip Code New York 11530  
 Telephone Number 516 248-5757

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer	<u>MABSTOA/NYCTA</u>	<u>NCTA</u>	<u>MTA</u>
Street Address	<u>130 Livingston Street</u>	<u>2 Broadway</u>	<u>347 Madison Avenue</u>
County, City	<u>Brooklyn</u>	<u>New York</u>	<u>New York</u>
State & Zip Code	<u>N.Y. 11201</u>	<u>NY 10004</u>	<u>NY 10017</u>
Telephone Number	<u></u>	<u></u>	<u></u>

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

           Failure to hire me.  
  X   Termination of my employment.  
           Failure to promote me.  
           Failure to accommodate my disability.  
  X   Unequal terms and conditions of my employment.

- ☒ Retaliation.
- ☒ Other acts (specify): FIDUCIARY DUTIES & DECEPTIVE TRADE PRACTICE.

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

- B. It is my best recollection that the alleged discriminatory acts occurred on: 3/13, 4/13, 10/13 etc..  
Date(s)
- C. I believe that defendant(s) (check one):
- ☒ is still committing these acts against me.
- ☐ is not still committing these acts against me.
- D. Defendant(s) discriminated against me based on my (check only those that apply and explain):
- ☒ race Black ☒ color Black
- ☒ gender/sex male ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age. My date of birth is \_\_\_\_\_ (Give your date of birth only if you are asserting a claim of age discrimination.)
- ☐ disability or perceived disability, \_\_\_\_\_ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

Steven Farkas & Denis Engel of COLLERAN OHARA & MILLS, LLP are agents of TWU local 100 that represented me in employment arbitration hearings. Dennis Engel refused to inform the arbitrator employer engaged in criminal activities of rewriting reports against company policy and withholding and destroying evidence for arbitration. instead of Denis Engel and Colleran Ohara not taking the case, they passed case to a new inexperience lawyer that didn't know the MTA rules, policy, and produces to properly represented me. Steven Farkas then refuse to submit evidence witnesses at my 4-1-13 arbitration hearing to refute the the false allegations. Steven Farkas and Denis Engel acted in their own interest. (see attach.)

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 12-12-13 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☒ has not issued a Notice of Right to Sue letter.  
☐ issued a Notice of Right to Sue letter, which I received on 6-28-2014 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

#### IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

Punitive damages due to loss of wages as a result of loss gainful employment due to inadequate legal representation in the amount of \$350,000.00. Lost of job, wages, health benefits, and stress

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of September, 2014.

Signature of Plaintiff

Address

PO BOX 1179

New York New York 10027

Telephone Number

(646) 323-4579

Fax Number (*if you have one*)

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Lavien Sales**  
**P.O. Box 1179**  
**New York, NY 10027**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**16G-2014-01420**

**Holly M. Woodyard,**  
**State & Local Coordinator**

**(212) 336-3643****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**No Jurisdiction - No Employer/Employee Relationship.**

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

**Kevin J. Berry,**  
**District Director**

**June 24, 2014**

(Date Mailed)

cc:

**COLLERAN, O'HARA & MILLS, LLP**  
**Attn: Steven C. Farkas, Esq.**  
**1225 Franklin Avenue, Suite 450**  
**Garden City, NY 11530**

- (1) Attorney Dennis Engel is a Partner at Colleran. O'hara & Mills L.L.P.
- (2) Steven Farkas is an associate attorney Colleran O'hara & Mills.
- (3) Steven Farkas & Dennis Engel of COLLERAN OHARA & MILLS, LLP were hired by TWU Local 100 to represent me at arbitration.
- (4) Colleran O'hara & Mills Steven Farkas agents of TWU local 100. As agents of TWU Local 100 effect my rights, terms, and conditions of my employment once they engage in any representation me.
- (5) On March 2013 I informed Dennis Engel of Colleran O'hara of matters in employment for representation. Gong over events with attorney Dennis Engel I assumed I was going to get a defense on the fact that my employer did not do an investigation. Instead of Dennis Engel discussing a defense and informing me of a strategy talked to me about how much my employer did not want me at the job and that he could help me make the transition.
- (6) March 2013 I asked Attorney Engel to informed the Arbitrator of the employer misconducted in rewriting reports against company policy, and withholding, destroying evidence for arbitration.
- (7) Attorney Engel responded saying, he couldn't do it because it was against the law. When I research the matter and called back Partner Engel of CO&M stating that I didn't agree with the information he give me he immediate rejected his firm representation of me.
- (8) Dennis Engel of CO&M stated to me that he would be calling the Union Hall TWU Local 100 to inform them I needed a new attorney outside of his law firm Colleran O'hara.
- (9) Instead of Dennis Engel of Colleran O'hara not taking the case like he said passed the case to a new inexperience associate lawyer in his firm by the name of Steven Farkas. Steven Farkas didn't know the MTA rules, policy, and produces to properly represented me in employment wrongful termination case.
- (10) The case was given to Steven Farkas on a short notice without time to properly prepare to give me a proper defense according to the Collative Barging Agreement.
- (11) CO&M proceeded without even asking for more time to prepare in giving me a proper defense according to the CBA.
- (12) The Collective Barraging Agreement CBA effects the terms, agreement, and conditions of employment and the rights of the employees that CO&M attorneys neglected.



- (13) Partner of CO&M Denis Engel placed a associate of his firm to represent me knowing attorney Steven Farkas was an inexperience attorney in dealing with the MTA and he didn' t have enough time to represent me.
- (14) Agents of TWO Local 100 Steven Farkas and Dennis Engel stage was solely on my testimony without CO&M using any of the rules, policy, and procedures employer broke, calling witnesses, or showing evidence of no misconduct.
- (15) Colleran O'hara did not care about my rights in employment, still accepted the case, and proceed to represent totally against how I asked to be represented.
- (16) On April 1, 2013 Steven Farkas then refuse to submit evidence and witnesses at my arbitration hearing to refute the false allegations.
- (17) On April 1, 2013 when the arbitrator asked Steven Farkas will he be submitting any evidence he stated no, in which I protested about in the arbitration hearing.
- (18) On April 1, 2013 Steven Farkas was not prepare, didn' t know the employer' s rules, policy, and procedures along with being an new inexperience attorney that was placed in a situation that effect the terms, and conditions of my employment.
- (19) Steven Farkas and Dennis Engel are males of a different race than me that deliberately deprived me my rights in employment. Their represented effected the terms and condition of my employment being agents of TWU Local 100 which lead to my wrongful termination. Being Agents of TWU and representing me at arbitration Colleran O'hara representation can effect the terms and conditions of my employment.
- (20) In CO&M Division of Human Rights response Steven Farkas responded by saying I was not their client. Also stating their duty of representation was to the Union not me.
- (21) Steven Farkas & Dennis Engel acted in their own interest even neglecting their professional Responsibility Rule 1.7 Conflict of interest Simultaneous Representation & Absolute Loyalty.
- (22) I also believe CO&M is acting in the retaliation of TWU local 100 for filing a complaint against their members.